

**MINUTES OF THE MEETING
OF THE
BOARD OF CHIROPRACTIC**

August 13, 2009

ROLL CALL

Laura Scholl, Chairperson, called the meeting of the Board of Chiropractic to order at 8:46 a.m. on Thursday, August 13, 2009, in the Large Conference Room, Wingate Inn, 108 3rd Avenue, Kearney, Nebraska. The Notice of Meeting and Agenda were distributed 10 days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services at least twenty-four (24) hours prior to the meeting.

The following Board Members, DHHS Staff, and other State Staff were present at the meeting:

Laura Scholl, Chairperson
Kevin, Davis, DC, Vice Chair
Lance Earhart, DC, Secretary
Gaylord Hanssen, DC

Diane Hansmeyer, Office Administrator
Delores James, Health Licensing Coordinator
Daryl Wills, DC, Member of Board of Health
Julie Agena, Assistant Attorney General (Connected to Bd. Mtg. Via Telephone at 8:46 a.m.)
Sarah Sujith, DHHS Legal Staff (Connected to the Bd. Mtg, via telephone at 11:00 a.m.)
Barbara Remmers, Investigator, (Connected to Bd. Mtg. Via Telephone at 8:46 a.m.)
Mike Grutsch, Investigation Manager, (Connected to Bd. Mtg. Via Telephone at 8:46 a.m.)
Kathy Kruger, Investigator. (Connected to Bd. Mtg. Via Telephone at 8:46 a.m.)

Adoption of the Agenda

Davis moved, seconded by Hanssen, to adopt the agenda after adding District Meeting of the Federation of Chiropractic Licensing Boards. Agenda Item IX. Miscellaneous. Voting aye: Davis, Hanssen, Scholl and Earhart. Voting nay: None Motion carried.

Earhart recused himself from the closed session at 9:30 a.m. because of a conflict of interest with one of the cases.

Earhart re-entered the closed session at 9:48 a.m.

INVESTIGATIONAL REPORTS (Closed Session)

Davis moved, seconded by Hanssen, to go into closed session at 8:46 a.m., for the purpose of hearing and discussing investigational reports and to protect the reputation of individuals. Voting aye: Hanssen, Scholl, Earhart and Davis. Voting nay: None. Motion Carried.

Break 10:25 a.m.

Re-convened at 10:30 a.m.

Out of Closed Session

Earhart moved, seconded by Davis, to come out of closed session at 10:55 a.m. Voting aye: Earhart, Davis, Hanssen and Scholl. Voting Nay: None. Motion carried.

Agenda, Remmers, Kruger and Grutsch disconnected from the board meeting at 10:55 a.m.

DISCUSSION OF DECOMPRESSION THERAPY

The Board discussed decompression therapy and the following statements were made:

Davis said that using the term de-compression therapy leads to widespread complaints because patients in his area are concerned about the dollar value of decompression services. He felt that the decompression therapy is medically helpful, but the price of this service is the problem.

Hanssen agreed that the price of decompression therapy is too expensive for some patients. He said that patients should be given the cost of decompression therapy up front and also given realistic expectations about the treatment. Hanssen said that doctors should negotiate with Blue Cross in order to try to get them to approve decompression therapy as a modality.

Wills explained that the price for getting an adjustment will run around \$600 and that is an issue of concern for the public. He explained that tables can range from \$12, 000 to 125,000 and that it is a decision of each chiropractor and it would be beneficial to answer the following questions before ordering a table:

- What is the proper table to order for my practice?
- What is the rationale for ordering a more expensive table?
- How will the practitioner recoup the cost for the more expensive table?
- Will insurance reimbursement for this service?
- Will patients have to pay more for decompression therapy?

The best way to handle this situation with the patients and the general public is to defuse any problems before they actually get started and educate the patients by giving them some realistic expectations about the price, and the health benefits for this type of treatment.

SCOPE OF PRACTICE

Chiropractor coming from Minnesota with her daughter's fast pitch team for a tournament wants to treat the girls just like she does at home. Can this be done?

Hansmeyer said she was sent an email from a licensed chiropractor in Minnesota regarding traveling with her daughter's fast pitch team for a tournament and she wanted to know if she could treat the girls just like she does at home.

Hansmeyer, in answering her question referred her to of the regulations, which reads; "Chiropractors licensed in another state when incidentally called into this state in consultation with a chiropractor licensed in this state.

Hansmeyer referred her to Neb. Rev. Stat. §38-806 (3) and said the only way that the Chiropractor

could practice in the State of Nebraska without a license is that she would have to be called into the state to consult with a licensed chiropractor. Otherwise, if she wants to do it on her own, she would have to obtain a Nebraska license.

Hanssen asked if they could have some information on what the other states are doing in cases like this one. Staff will ask FCLB to poll how other states deal with this issue.

Sarah Sujith joined the meeting via conference telephone at 11:00 a.m.

REVIEW OF PROPOSED REGULATIONS (Attachment A)

Hansmeyer gave Board members a copy of the proposed regulations and said that her next step is to go through all of the minutes to make sure all requested changes have been made. The proposed regulations will then be ready for a public hearing. At the last board meeting the board discussed informed consent and wanted to table this subject until all parts of the proposed regulations had been worked on. Hansmeyer asked if they wanted something in these regulations about informed consent or would they like to wait and put this definition in the next set of regulations.

After the review of other sections of the proposed regulations the following section will be removed from the regulations because the statute does not require it anymore.

Earhart moved, seconded by Hanssen, to recommend removal of 172 NAC 29-008.02 item 18m, which reads as follows: "When using the term chiropractic physician or any other lawfully recognized terminology on a sign, announcement, stationary, or advertisement, it is unprofessional conduct to fail to also place on such sign, announcement, stationary or advertisement the term chiropractor". Voting aye: Scholl, Earhart, Davis and Hanssen. Voting nay: None. Motion carried.

Hansmeyer explained the process that staff will use to verify citizenship or to verify that individuals seeking a license are in this country legally.

STATUTORY REQUIREMENTS

LB 533 Change Expense Reimbursement Provisions

This law will affect board members in two ways: 1) Meal receipts will be required to be submitted with the employee's expense reimbursement document for all food/meal expenses equal to or greater than \$5.00; and 2) Expense reimbursement documents must be submitted within 60 days from the date of the last expense.

LB 463 Licensure of Animal Therapists

LB 463 passed during the 2009 legislative session permits credentialed practitioners from other professions to practice as animal therapists if credentialed. This law permits individuals who are credentialed as animal therapists to work under the supervision of a licensed veterinarian. The Board of Veterinary Medicine will begin writing the regulations and would like to have input from the Board about the training that is available for Chiropractors to perform health care therapy on animals. +

OLD BUSINESS

Neb. Rev. Stat. §38-124, Method of Identifying Professionals

Hansmeyer explained that §38-124 states that the Department with the recommendation of the board shall determine how a consumer will be able to identify a credential holder. After discussion, Earhart moved, seconded by Hanssen, to use the Board of Physical Therapy's language as a model to develop their policy statements identifying their profession. Voting aye:

Davis, Hanssen, Scholl and Earhart. Voting nay: None. Motion carried.

NEW BUSINESS

Re-Affirmation of Mail Ballots

Hanssen moved, seconded by Davis, to re-affirm the mail ballots for chiropractic licensure for Zachary Miller, and a practice monitor for Dr. Belitz. Voting aye: Hanssen, Scholl, Earhart and Davis. Voting nay: none. Motion carried.

Licensee Assistance Program (LAP) Report

LAP Fourth Quarter Report, April 1, 2009 – June 30, 2009.

The board was given a Licensee Assistance Program report on fourth quarter statistics for the period of April 1, 2009 – June 30, 2009. Judy Leibrock, the program coordinator, prepares a quarterly report as well as a year-end report with breakdowns by professions and types of chemical dependency. She also writes articles that can be used by associations in their newsletters. This report was given to the Board for informational purposes only.

Secure Mailer Guide

Hansmeyer explained the process for opening secure mail. Staff will not send secure mail unless the information contains health protected data. She also told the board to contact Bill Wisell, if they needed help in using secure mail.

Approval of Minutes: March 19, 2009 -August 7, 2009

The Board tabled the minutes of March 19, 2009, because they did not have time to read them. The minutes for August 7, 2009 were not presented at the meeting because the conference call took place 5 working days before this meeting and they were not completed.

MISCELLANEOUS

District Meeting of the Federation of Chiropractic Licensing Boards

The Board discussed the Federation of Chiropractic Licensing Boards' Districts I meeting, which will be held on October 1 - 4, 2009, in Keystone, South Dakota. Davis moved, seconded by Hanssen, to recommend that Hanssen, Scholl and Davis attend this meeting. Voting aye: Davis, Earhart, Hanssen and Scholl. Voting nay: None. Motion carried,

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:42 p.m.

Respectfully Submitted

Lance Earhart, Secretary

